

**CITIZENS' INDEPENDENT TRANSPORTATION TRUST
COMPLIANCE & OVERSIGHT COMMITTEE**

Tuesday, February 10, 2004

Stephen P. Clark Center

111 NW 1st Street

10th Floor Conference Room

5:00 PM

Summary of Minutes

MEMBERS PRESENT:

Henry Lee Givens, Chairman

Marc Buoniconti

Hon. John F. Cosgrove

Herminio Lorenzo

COUNTY ATTORNEY:

Bruce Libhaber

OTHERS PRESENT:

Hilda Fernandez, Executive Director OCITT

Terry Grant, MDT

Bonnie Todd, MDT

Maud Gonzalez, MDT

Joanna Santiago, OCITT

Dan Holder, Office of ADA

Jack Furney, OCITT

Regina Sandilands, MDT

Cathy Lewis, MDT

Angela Menendez, MDT

Betty Alexander, DBD

Michael De Cossio, MDT

Pepe Valdes, OCITT

Patty David, OCITT

ROLL CALL

With a quorum being present, Mr. Henry Lee Givens, Chairman, called the Compliance & Oversight Committee meeting to order a 5:15 pm.

APPROVAL OF AGENDA

Mr. Givens requested a motion to approve the agenda. Mr. John Cosgrove moved its approval. The motion was seconded by Mr. Herminio Lorenzo and carried without dissent.

CITIZEN'S COMMENTS

None

MEMBER COMMENTS

None

APPROVAL OF MINUTES

Mr. Givens requested a motion to approve the January 12, 2004, Minutes. Mr. Lorenzo moved approval. The motion was seconded by Mr. Cosgrove and carried without dissent.

PRESENTATIONS

Mr. Givens asked that both presentations be deferred and asked staff to schedule a Municipal Workshop to discuss ADA concerns. He mentioned the resolution that was proposed by the Commission on Disability Issues that was included the agenda package. The resolution recommends that the County and municipalities prioritize the use of the half penny sales tax to address areas of inaccessibility within the County and municipalities. Unfortunately, the CITT does not have the authority with municipalities to enforce the correction of those areas; however, it needs to be on the record that there is dissatisfaction with the manner in which some cities address ADA concerns. Ms. Hilda Fernandez advised that she would review to see if any actions were taken by the Board of County Commissioners (BCC) on the resolution. Mr. Marc Buoniconti inferred that the CITT has the responsibility for oversight and could suggest to the BCC to withhold funds for non-compliance with the requirements of the ADA.

Ms. Fernandez replied that the PTP Ordinance, approved by the BCC, does not provide the CITT with the ability to approve a municipality's transportation plan. However, the Interlocal Agreement does require cities to submit a transportation plan, and it does not require CITT or BCC approval. The purpose of obtaining a transportation plan is to ensure that there is coordination and no overlapping of service, as well as, to ensure that eligible cities are spending its share of the 20 percent of surtax dollars on transit related projects. The CITT cannot reject a municipal transportation plan on the basis of not meeting its ADA requirement. However, the Committee, through the CITT, may influence municipalities and request the BCC to consider enforcing the issue. Mr. Buoniconti asked the County Attorney if the CITT could make a recommendation to the BCC, asking to withhold future funds for non-compliance with the ADA. Mr. Libhaber

replied that the CITT could make that recommendation to the BCC. Mr. Lorenzo stated that the ADA is a very important issue and asked, to what degree the CITT has authority to compel a municipality to include the ADA in its transportation plans. To that extent, he further inquired, "can the CITT encourage or recommend an ordinance to the BCC that addresses the ADA, as it relates to the PTP and the municipalities?"

Mr. Givens noted the importance of having a Municipal Workshop to inform the respective municipalities of the aforementioned concerns. And, after the workshop, if municipalities remain in non-compliance with the ADA, then perhaps a public relations campaign can be launched to identify those municipalities. Mr. Cosgrove added that the CITT has a moral obligation even though it was not stated in the Ordinance.

OLD BUSINESS

Resolution to the BCC Recommending Implementing a Policy Regarding Minority/Small Business Participation in MOU and JPA between Miami-Dade County and Government Entities.

Ms. Fernandez reported that the resolution was added to the January 28, 2004, CITT agenda, but the item was deferred pending further consideration by the Compliance and Oversight Committee, as well as further clarification by the County Attorney's Office. Subsequently, the County Attorney's office has advised OCITT staff that the same provisions of existing CBE/CSBE programs are applicable for MOU's and JPA's. Therefore, the resolution prepared by the OCITT is not necessary. In effect, the existing ordinance already requires, especially for MOU's to have DBE review. In the future, language will be incorporated in all MOU's as they are negotiated with other governmental entities, advising them that they are subject to a DBE committee review, and that they will have to engage in a competitive bidding process. Furthermore, it will advise them that DBE will monitor the compliance of the contract and agency with regards to the achievement of goals (a copy of the memorandum and County Attorney's email was distributed).

Mr. Bruce Libhaber clarified the difference between MOU's and JPA's. When the County enters into an MOU, it follows its internal DBE process. In contrast, a JPA with the state follows state imposed guidelines. For example, the MOU with the City of Hialeah: the project pertains to a County owned and maintained road; therefore, the County provisions are applied, even though the project is being contracted out. Mr. Cosgrove stated that the Compliance & Oversight Committee will continue to review all the contracts, which will also include the County Attorney's opinion and the CITT Executive Director's recommendation.

ACTION ITEMS

8A RESOLUTION BY THE CITT APPROVING ACTION OF THE BCC AWARDED CONTRACT NO. TA02-MPR TO PROVIDE MARKETING AND PUBLIC RELATIONS SERVICES TO KELLY SWOFFORD, INC.

8B RESOLUTION BY THE CITT APPROVING ACTION OF THE BCC AWARDED CONTRACT NO. TA02-MPR TO PROVIDE MARKETING AND PUBLIC RELATIONS SERVICES TO CARMEN MORRIS & ASSOCIATES AND CREATIVE IDEAS ADVERTISING, INC. JOINT VENTURE.

Ms. Fernandez recommended approval of agenda items 8A/B. She noted that the two contracts were approved by the BCC on December 16, 2003, for marketing and public relations services for MDT. Selection was made through a competitive bid process. As marketing and public relations needs are identified, each provider will be asked to submit proposals and Work Orders will be issued to the firm offering the best proposal. The Work Order can be accessed by the CITT/OCITT to promote the PTP as well. In addition, the contract can also benefit the department of Public Works. The ceiling cost is \$2 million over the four-year contract, equally divided between the two contractors. However, no guarantee is made to the level of services that will be requested, nor is there a guarantee of any dollar amount to be expended. Because the contract is eligible to receive federal funding, it must comply with Disadvantaged Business Enterprise (DBE) goals. As such, MDT established a goal of ten percent (10%) for the participation by DBE. The Project Review Committee has forwarded its items with a favorable recommendation (a copy of the OCITT/MDT and DBD memorandums were distributed).

Cathy Lewis, Chief, Office of Civil Rights and Labor Relations, added that her division is responsible for oversight of the DBE programs. As it pertains to the contracts, neither firm has achieved its DBE goal. They have met the requirements to present the appropriate documentation, such as the letter of intent to give good faith notice that they will achieve the DBE goal.

Mr. Givens requested a motion to approve agenda item 8 A/B. Mr. Buoniconti moved its approval. The motion was seconded by Mr. Cosgrove and carried without dissent.

8 C RESOLUTION BY THE CITT APPROVING THE ACTION OF THE BCC AUTHORIZING EXECUTION OF AMENDMENT NO 1 TO CONTRACT TA99-SOS WITH THE WACKENHUT CORPORATION FOR PROVISION OF SECURITY OFFICER SERVICES; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE CANCELLATION PROVISIONS CONTAINED THEREIN.

Ms. Fernandez recommended approval of agenda item 8C. The contract with Wackenhut was awarded in November 2, 1999, for Security Services for MDT. As a result of "September 11" and the implementation of the PTP, there has been an increase in costs related to security services. Therefore, MDT has requested an increase in the

contract ceiling for \$14,800,000. It has been the first amendment made to the contract. Because federal funds are used to pay some of the expenditures under the contract, it requires DBE goals. Ms. Lewis indicated that the current level of participation is 34%, which exceeds the established level of DBE goal of 30%. Ms. Fernandez also stated that OCITT staff asked MDT a series of questions, and a copy of those questions and responses from MDT were included in the agenda package.

Mr. Givens requested a motion to approve agenda item 8C. Mr. Lorenzo moved its approval. The motion was seconded by Mr. Buoniconti and carried without dissent.

NEW BUSINESS

Mr. Buoniconti asked if the CITT Bylaws referenced attendance requirements for the CITT Trust and committee meetings and what constitutes "an excused absence." Mr. Libhaber referred to the Ordinance 02-117, which states:

Any Trust member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from two (2) consecutive meetings without an acceptable excuse; or (ii) if he or she is absent from three (3) of the Trust's meetings without an acceptable excuse. A member of the Trust shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason that the Trust by a 2/3 vote of its membership deems appropriate.

According to Mr. Libhaber, the reference pertains to Trust meetings only and is silent to committee meetings. Ms. Fernandez stated that the CITT Bylaws refers to the County Ordinance. Mr. Lorenzo recommended that that staff prepare a letter regarding attendance for CITT approval. Ms. Fernandez suggested that the Executive Planning Committee review the letter first; some Trust members may not be aware that there is an attendance requirement.

Mr. Buoniconti asked which Commission seat was vacant. Ms. Fernandez advised that she would follow-up with Commissioner Joe Martinez' Office, Commission District 11, as no one was selected from the slate. If the Commissioner does not make a selection, the Board of County Commissioners can make a selection for his district, being that it is the second slate provided to him by the CITT Nominating Committee.

ADJOURNMENT

The Compliance & Oversight Committee meeting adjourned at 6:20 p.m.